



Digital Sound Programme (DSP) Licences & Digital Additional Sound Services (DAS) Licences

Notes of Guidance for Applicants

Data Protection

We require the information requested in the application form in order to carry out our licensing duties under the Broadcasting Act 1990, Broadcasting Act 1996 and Communications Act 2003. Please see Ofcom's General Privacy Statement www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement for further information about how Ofcom handles your personal information and your corresponding rights.

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Section 1

Digital Sound Programme Licences

Digital Sound Programme Services

1. A digital sound programme (DSP) licence is required by anyone who wishes to broadcast a sound programme service on a digital multiplex, whether this service is unique to digital or a simultaneous broadcast of an existing analogue, satellite or cable radio service. One licence covers all the DSP services provided by the licensee on any number of multiplexes but separate licences are required for local and national digital sound programme services. A national DSP licence is required if the service is to be broadcast on DTT Freeview.
2. The Media Ownership (Local Radio and Appointed News Provider) Order 2003 contains provisions for ownership 'points' to be allocated to local DSP services. Applicants should be aware that there is a limit on providing local DSP services representing no more than 55% of the points in any given market (which includes overlapping local digital multiplexes).
3. A DSP licence will also cover any ancillary data services directly related to the sound programme service, such as accompanying text and graphics including, for example, details of the music being played, the background to an interview or a weather map. Ancillary material should be broadly concurrent with the audio from the relevant DSP service. Ancillary services may not include advertising, but may include sponsorship within the terms of the current codes. For all regulatory purposes Ofcom will treat the DSP service licensee as the responsible licensee for all (non-commercial) material provided on the multiplex which relates to that licensee's programme service or to which the programme service refers, regardless of any arrangements, contractual or otherwise, which the DSP service or the multiplex licensee may have with third parties for the provision of that material. The applicant must indicate for which DSP services it is intended to provide ancillary services.
4. A DSP licence will also cover any technical services which are involved in the encryption/decryption of the sound programme service (such as for 'pay' radio services).

General Matters

5. These notes are for the general guidance of applicants and do not purport to explain all the relevant provisions of the legislation, or give an exhaustive account of the licensing requirements and cannot be taken as modifying the effect of the statutes.
6. The appropriate licensee will be the "provider" of the service. The provider is the person who is in a position to determine what is to be included in the service or in the words of the Communications Act 2003 (section 362 subsection 2) the person "with general control over which programmes and other services and facilities are comprised in the service (whether or not he has control of the content of individual programmes or of the broadcasting or distribution of the service)". For more guidance regarding 'the provider of the service,' please see:
https://www.ofcom.org.uk/data/assets/pdf_file/0019/8326/service-provider.pdf

7. The licence does not grant any 'right' to broadcast; carriage on a multiplex is dependent on agreement with the multiplex operator, subject to the approval of Ofcom where required.

Criteria and timetable for licensing

8. Licence applications are considered as and when they are received. To be able fully to consider an application, Ofcom may need to request further information or clarification from the applicant. Should Ofcom request such further information or clarification from an applicant, and no response is received by Ofcom within one month of such request, then an application will be deemed to have lapsed.
9. As a guideline, our aim is to issue a licence within four weeks of receipt of the application. This assumes that full and accurate information has been provided by an applicant in the application form and accompanying documentation. Applicants are nevertheless advised to ensure that they have obtained their licences well in advance of their intended launch date. Applicants with religious objectives are advised to allow approximately eight weeks for their application to be considered by Ofcom in the light of the religious ownership guidelines which can be found at: https://www.ofcom.org.uk/data/assets/pdf_file/0028/88219/Guidance-for-religious-bodies.pdf
10. Applicants should be aware that Ofcom is under a duty to ensure that it does not license bodies with objects which are of a wholly or mainly political nature, and will consider applications carefully in the light of its duties. Applications where questions arise in relation to this issue may take longer than the usual four weeks.

The Application Process

11. Ofcom will need to be satisfied that an applicant complies with the statutory provisions on ownership as laid out in Schedule 2 to the Broadcasting Act 1990 (as amended by the Broadcasting Act 1996) and the Communications Act 2003.

Briefly stated, these are:

12. Disqualified Persons:
 - i) Local authorities may not hold licences except in circumstances defined in part 2 of schedule 2 to the Broadcasting Act 1990 (see also section 349 of the Communications Act 2003), and are limited to a 5% participation in any company which does hold a licence.
 - ii) Political bodies, their associates and officers may not hold licences and are limited to a 5% participation in any company which does hold a licence.
 - iii) Publicly-funded bodies may not hold licences and are limited to a 5% participation in any company which does hold a licence.
 - iv) The BBC and the Welsh Authority are disqualified from holding Broadcasting Act licences. However, companies which the BBC controls are not disqualified.
 - v) Advertising agencies and their associates (including directors) may not hold licences and are limited to a 5% participation in any company which does hold a licence.

- vi) Anyone who has been convicted of any offence under the Wireless Telegraphy Act 1949 or Marine & c., Broadcasting (Offences) Act 1967, or of an offence under section 97 of the Broadcasting Act 1990 or section 145 of the Broadcasting Act 1996 is disqualified from holding a Broadcasting Act licence.
 - vii) Religious bodies, their associates and officers may only hold licences if they have prior approval from Ofcom. For guidance, please refer to Annex A.
13. In addition to the categories of disqualified persons listed above, Ofcom will not grant a licence unless it is satisfied that the applicant is “fit and proper” to hold it.
 14. A licensee may be disqualified if, in the opinion of Ofcom, a local authority or political body is exercising undue influence over the licensee.
 15. Failure by a licensee to comply with statutory ownership provisions will constitute a breach of the licence and, if not rectified, may result in revocation in accordance with the terms of the licence.
 16. Full details of the ownership of any applicant company are requested on the application form. A declaration confirming that the applicant does not fall into any of the above disqualified categories must be signed and dated.

Licence Obligations

17. The DSP licence will require that the sound service it covers complies with The Ofcom Broadcasting Code: <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code>
18. Potential applicants should be aware that in order to assist Ofcom in its functions, licensees are required to retain recordings of all programmes and ancillary material for a period of 42 days and produce them to Ofcom on request.
19. Sanctions may be imposed if licence conditions (including Code rules) are breached. These include a requirement to broadcast a statement of findings, a financial penalty, or the suspension or revocation of a licence.

Variation of Licences

20. Ofcom has the power to vary licences, but only after the licensee has been given a reasonable opportunity to make representations about any proposed variation.

Additional Requirements

21. Details of the programme services to be provided by the DSP licensee will be set out in the Annex to the licence. If there is any change to the package of DSP services covered by the licence (either in terms of the number of services or the description of individual services including the multiplexes the services are on), Ofcom will require notification.
22. Applications must be accompanied by a letter of corroboration from the multiplex operator. The letter must evidence that an agreement is in place (subject to contract / licence being granted etc) to carry the service for which the DSP application is being made. The DSP application will not be processed until this letter is received.

23. It is the responsibility of each DSP licensee to enter into agreements with the appropriate copyright licensing bodies before commencing broadcasting.
24. In contracting, or offering to contract, with the holders of DSP service or digital additional sound services licences, multiplex licensees must not discriminate unduly. Any report of unfair or anti-competitive behaviour will be considered by Ofcom in the light of the particular facts.
25. Multiplex licensees must not prevent those DSP service or digital additional sound services licensees contracted by them from 'sub-letting' the capacity to which the relevant agreement relates. The multiplex licensee, however, may impose reasonable conditions to ensure the technical quality of the broadcasts and to secure compliance with any other licence condition.
26. Multiplex licences contain an Annex which sets out the character of the various services which must be carried on the multiplex, and the timetable by which they must be established. Any services provided to the multiplex licensee must comply with the terms of this Annex. If changes are sought, the multiplex licensee must seek them. Requests to vary the Annex will be considered by Ofcom under the criteria laid out in Section 315 of the Communications Act 2003 and section 54 (6B) of the 1996 Broadcasting Act.

Duration

27. DSP licences are for an indefinite period as long as the annual fees are paid, but may be surrendered by the licensee.

Fees

28. Each application must be accompanied by a non-refundable application fee of £250.
29. There is an annual licence fee of £100. This is payable in advance and the first payment must accompany the application document.
30. Completed applications should be sent to:

**Broadcast Licensing Team
Ofcom
Riverside House
2a Southwark Bridge Road
London
SE1 9HA**

Section 2

Digital Additional Sound Services (DAS) Licences

Applicants must also read Section 1 of these Notes.

Digital Additional Sound Services

31. Digital additional sound services are services other than technical, programme or ancillary services, and include text or data services such as paging, videotext and graphics which are not directly related to programming. Additional service capacity may also be used to provide advertising.
32. Unlike DSP services, digital additional services do not attract ownership points, nor is there any regulatory restriction on the number of services which may be provided on a single multiplex.
33. One digital additional sound services licence will cover the provision of any number of digital additional services on any number of radio multiplexes (it is important to note that the licence does not give the 'right' to broadcast. Carriage on a multiplex is dependent on agreement with the multiplex operator). The total proportion of capacity on any one multiplex which may be devoted to digital additional sound services is 30%.

The Application Process

34. Ofcom will need to be satisfied that the applicant complies with the statutory provisions on ownership as set out in Schedule 2 of the Broadcasting Act 1990 (as amended by the Broadcasting Act 1996); see also paragraphs 11 to 14 in Part 1 of these notes and the Communications Act 2003.
35. Full details of the ownership of any applicant company are requested on the application form. A declaration confirming that the applicant falls into none of the disqualified categories must be signed and dated.

Licence Obligations

36. The digital additional sound services licence will require that the sound service it covers complies with The Ofcom Broadcasting Code <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code>
37. Potential applicants should be aware that in order to assist Ofcom in its functions, licensees are required to retain recordings of all programmes and ancillary material for a period of 42 days and produce them to Ofcom on request.

38. Sanctions may be imposed if licence conditions (including Code rules) are breached. These include a requirement to broadcast a statement of findings, a financial penalty, or the suspension or revocation of a licence.

Additional Requirements

39. Details of all the digital additional services provided by the digital additional sound service licensee will be listed in the Annex to the licence. If there is any change to the package of digital additional services covered by the licence (either in terms of the number of services or the description of individual services), Ofcom will require notification. Ofcom must be notified if a digital additional sound service ceases to be provided.
40. Applications must be accompanied by a letter of corroboration from the multiplex operator. The letter must evidence that an agreement is in place (subject to contract / licence being granted etc) to carry the service for which the DAS application is being made. The DAS application will not be processed until this letter is received.

Duration

41. DAS licences are for an indefinite period as long as the annual fees are paid, but may be surrendered by the licensee.

Fees

42. Each application must be accompanied by a non-refundable application fee of £250.
43. There is an annual licence fee of £100. This is payable in advance and the first payment must accompany the application document.
44. Completed applications should be sent to:

**Broadcast Licensing Team
Ofcom
Riverside House
2a Southwark Bridge Road
London
SE1 9HA**